

**From:** Zachary D. Noffsinger Erbaugh  
**To:** Microsoft ATR  
**Date:** 1/23/02 10:49am  
**Subject:** Microsoft Settlement

To Whom it may Concern,

I am a professional in Information Technology, and am writing to you as part of the Tunney Act comment process about the proposed settlement of the antitrust case against Microsoft.

I am severely concerned about the proposed settlement. One of the most striking problems is the lack of any provision for disclosure of Microsoft protocols to not-for-profit organizations (as determined by Microsoft - cf. Section III(J)(2), Section III(D).) This would allow Microsoft to deny access to the most important competitors to Windows, including Linux (operating system), Apache (web server), and SAMBA (network server.) These systems provide consumers with options that are less expensive (both in terms of purchase price and Total Cost of Ownership) and more secure than the software Microsoft produces.

The current settlement would allow Microsoft to effectively destroy some or all of the above systems by denying them access to Windows standards, simply because they are not 'businesses' in the traditional sense. It is ironic that such organizations are not being recognized by the U.S. government in this settlement, since they are more democratic and egalitarian than their for-profit counterparts. Furthermore, free and 'Open Source' ([www.opensource.org](http://www.opensource.org)) software has been repeatedly shown to be more secure than Microsoft's (often flagrantly) insecure products, and provide the impetus for increased security and reliability, which are important considerations in the world in which we now find ourselves.

I urge you to not let the proposed settlement stand. Seek further technical counsel on the implications of any proposed settlement. With appropriate advice from within the industry, the settlement can be written in such a way that the options of computer users, the viability of non-profit innovators, and the security of computer networks in this country are protected.

Sincerely,

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